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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

30 NOV 1993

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IN REPLY REFER TO:

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93-61

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable J. Bennett Johnston
United States Senate
136 Senate Hart Office Building
Washington, D.C. 20510-1802

Dear Senator Johnston:

This is in response to your letter dated November 5, 1993, requesting information regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was prompted by correspondence from your constituent, Mr. Stephen Fant, Vice President of Axonn Corporation, expressing concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rule Making adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. (93-61) the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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Honorable J. Bennett Johnston

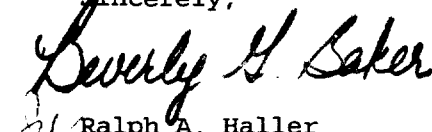
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The Commission also recognizes the difficulty various users, including your constituent, may have in sharing this band and have therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission gives full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you for your interest in this matter. I trust this is responsive to your concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Beverly H. Saker". The signature is fluid and cursive, with the first name being the most prominent.

Ralph A. Haller

Chief, Private Radio Bureau

J. BENNETT JOHNSTON
LOUISIANA

United States Senate

WASHINGTON, DC 20510-1802

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November 5, 1993

Mr. James H. Quello
Interim Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

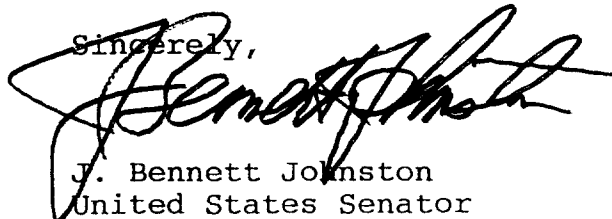
I am writing on behalf of Mr. Stephen Fant, Vice President of the Louisiana based Axonn Corporation, who has contacted my office to express his concerns about the proposed Federal Communications Commission rule that would expand the current interim rules regarding automatic vehicle and location monitoring in the 900 MHz band. For your easy reference regarding this matter, I have enclosed a copy of Mr. Fant's letter.

It is my understanding that this rule would have serious impact on the viability of the Part 15 industry, and I would appreciate if you would review this matter and provide me with a status report at your earliest convenience.

Thank you in advance for your time and consideration, and I look forward to hearing from you.

With kindest regards, I am

Sincerely,



J. Bennett Johnston
United States Senator

JBj:mp

Enclosure

CP



CORPORATION

101 West Robert E. Lee Boulevard • Suite 202 • New Orleans, Louisiana 70124 • (504) 282-8119 • FAX 282-0999

October 28, 1993

Senator J. Bennett Johnston
1010 Hale Boggs Federal Building
501 Magazine Street
New Orleans, LA 70130

Via Fax: (202) 224-2952
and U.S. Mail

Dear Senator Johnston,

I am writing today to seek your assistance on my company's behalf in a matter that has become very important to our future. I hope that you will assess the issues presented herewith and act favorably on our behalf.

By way of introduction, my company, Axonn, specializes in spread spectrum radio research and development. We were founded here in New Orleans seven years ago and we remain locally owned. Basically, we license our patented technology to large manufacturers for a license fee and ongoing royalty. To date, we have over twelve licensees which include companies such as Life Point Systems, Northern Computers, and Domestic Automation.

Several years ago, the FCC encouraged entrepreneurial companies, like ours, to develop state-of-the-art technologies to operate "license-free" in the 900 MHz Part 15 band. Our company responded and today we employ over 30 people in Louisiana working directly on research, development, and engineering of products based on our patented, wireless technology. Now the FCC proposes to change the rules to the disadvantage of U.S. technology manufacturing firms and to the direct benefit of foreign technology and foreign manufacturing.

The FCC proposed to permit PacTel Teletrac to deploy high-powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by Part 15 equipment. These changes, if implemented, will cause mutual interference to all Part 15 users as well as PacTel customers. This interference will have a "chilling effect" on our marketplace and a corresponding effect on our business. As one of the relatively few high-tech companies in Louisiana, this is especially damaging.

The Part 15 industry is made up generally of small U.S. domestic telecommunications manufacturing companies. It represents, nationwide, over two billion dollars in research and development investment, manufacturing and sales. The Commission's proposed action will seriously undermine this domestic industry. The impact on our company also could result in loss of sales, reduction in the workforce, loss of existing research and development investment and loss of access to future capital.

In view of the importance of these issues, we request you contact the Chairman of the FCC and express your concern over this needless disruption of a vital industry. For your convenience, I have taken the liberty to enclose a draft which you may wish to use.

In closing, if there are any questions you might develop on either our company or this issue and its industry impact, please do not hesitate to contact me. I stand ready to be of every assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen N. Fant", followed by a horizontal line.

Stephen N. Fant
Vice President

SNF/mms